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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,756	01/09/2002	Christopher D. Farnes	100110217	7287

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CHOI, PETER H

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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05/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/043,756	Applicant(s) FARNES ET AL.	
	Examiner PETER CHOI	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-16, 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a **FINAL** office action upon examination of application number 10/043,756. Claims 1-3, 5-9, 11-16 and 18-20 are pending in the application and have been examined on the merits discussed below.

Response to Amendment

2. Claims 1, 7, and 14 have been amended in the communication filed February 29, 2008.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 7, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Official Notice

In the previous Office Action mailed June 5, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- Collecting data from partner organizations is old and well known in the art

Claim Rejections - 35 USC § 103

Art Unit: 3623

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 5, 7-9, 11, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casper Lassenius, Maarit Nissinen, Kristian Rautiainen and Reijo's "The Interactive Goal Panel: A Methodology for Aligning R&D Activities With Corporate Strategy", published in October 1998 (previously supplied; hereinafter referred to as Lassenius et al.) in view of Shoemaker et al. (USPGPub 2003/0167197) and Young et al. (US Patent #6,915,270).

As per claim 1, Lassenius et al. teaches a computer-implemented method for utilizing a total customer experience action planning process to provide an improved customer experience, said method comprising:

(a) gathering data from different perspectives (**The Balanced Scorecard is a method for strategic management that makes measurement an essential part of implementing the company strategy; The Balanced Scorecard has four perspectives for strategic objectives: the financial perspective, the customer perspective, the internal business process perspective, and the innovation and learning prospective**) associated with an organization (**The objects, goals, and performance measures already in use in the organization are identified and analyzed**), said gathering data including gathering data from a customer regarding customer satisfaction (**Figure 1, one of the metrics/objectives of the Customer Perspective is 'How Do Customers See Us'?**), gathering data from a manager within said organization (**The objects, mechanisms and goals for the dimensions of the BSC are defined by interviewing representatives at different levels in the company. At the strategic level, senior management, product development managers and financial managers are interviewed. At the process and project levels, process owners and R&D project managers are interviewed. At the fourth level, all employees in the R&D organization give their contribution and ideas for goals**) [Paragraphs 7, 8, 41, 43, Figure 1];

(b) during a strategy session associated with said organization (**strategic control aspects are presented to the rest of the organization and analyzed in workshops**), determining a goal for said organization along with an associated success metric for accomplishing said goal (**for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the**

dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company), wherein said goal is selected to improve a shortcoming identified based on said data **(The objects, mechanisms and goals for the dimensions of the BSC are defined by interviewing representatives at different levels in the company. At the strategic level, senior management, product development managers and financial managers are interviewed. At the process and project levels, process owners and R&D project managers are interviewed. At the fourth level, all employees in the R&D organization give their contribution and ideas for goals)** [Paragraphs 42, 43, 44];

(c) determining a department action plan for accomplishing said department goal **(for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company)**, wherein said department goal is closely associated with a business objective of said organization **(the goals are often related to process improvement or the installation of new processes)** [Paragraph 33, 42, 43]; and

(d) taking measurable action to accomplish said goal **(a control plan is formulated, documenting all aspects and levels of the framework. It also includes practical issues normally found in measurement plans, such as the definition of data to collect, the identification of persons responsible for the metrics, and information on visualization and distribution of the metrics data)** [Paragraph 47].

Lassenius et al. does not explicitly collect customer data. However, Official Notice is taken that it is old and well known in the art to collect customer data. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to collect customer data, because doing so would provide information from the customer perspective, which would be taken into consideration by Lassenius while aligning R&D activities with corporate strategy to meet the needs of customers.

The customer satisfaction data and data gathered from managers taught by Lassenius et al. are not explicitly directed towards perceived customer priority with respect to an organization, nor are the goals taught by Lassenius et al. explicitly directed towards improving customer experience.

However, Shoemaker et al. teaches the concept of conducting customer satisfaction surveys pertaining to the perceived customer relationship with an organization **[Paragraphs 1, 2 discuss information on customer satisfaction, customer loyalty and corporate reputation; Paragraph 24 discloses, The customer survey asks a number of customer satisfaction questions designed to pull relevant information from respondents about their relationship with and impression of the company and its products or services; Paragraph 27 discloses, The survey asks questions in the area of customer loyalty and satisfaction, including questions concerning the customers perception of the company in the**

areas of value, quality and price of the company products and/or services] and recommending and developing action plans (i.e., goals) based on research results and past customer relationships **[Paragraph 4]** Shoemaker et al. also teaches the step of gathering data from a manager regarding a perceived priority of customers with respect to an organization **[Paragraph 18, Account management tool 30 provides managers with a number of resources, including survey information collected by the market research firm, and customer follow up information; Paragraphs 33-35, after the survey is completed, survey answers are processed using pre-established criteria to provide various customer satisfaction scores. In addition to analyzing survey answers and providing reports on an individual respondent basis, survey answers are also analyzed on aggregated on a wider basis. Survey results are also analyzed to determine if follow-up action is necessary].**

Lassenius et al. is directed towards aligning activities with organizational goals, considering the Customer Perspective of the Balanced Scorecard to align organizational activities to organizational strategies, and developing goals and metrics to implement changes to existing activities and practices. Similarly, Shoemaker et al. is directed towards customer relationship measurement and management, collecting data to ascertain customer satisfaction, and developing action plans for implementation and distribution throughout the organization. Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lassenius et al. to incorporate customer satisfaction data from customers and organizational managers to be used in

Art Unit: 3623

developing goals to improve customer experience, as taught by Shoemaker et al., because doing so enhances the ability of Lassenius et al. to more fully develop the Customer Perspective in developing new strategies, and further because using feedback obtained from customers and managers further enhances the ability of Lassenius et al. to develop new goals, metrics and objectives for implementation to bring organizational practices into alignment with organizational strategies of maintaining customer loyalty, satisfaction, and retention, a goal of customer relationship management.

Although not explicitly taught by the combined teachings of Lassenius et al. and Shoemaker et al., Young et al. teaches the step of:

(a) gathering data from a gap analysis of relationships of organizational blocks of said organization which affect said organization's total customer experience, said gap analysis including analyzing: said organization's management understanding of said total customer experience, alignment between said management understanding and a business focus of said organization, and a relationship between said business focus and execution of processes and resources as related to both partners and customers for delivery of said organization's products or services to said customers **(An assessment is conducted against each of the enablers to identify the gaps in achieving the Customer-Centered Strategy - that is, areas where the marketing, sales and service aspects of the enterprise are deficient with regard—to one or more of the enablers... A high level Business Case is developed by identifying**

Art Unit: 3623

marketing process gaps, identifying sales process gaps, and identifying service process gaps... The key activities of this phase to support the Loyalty Suite Business Method are as follows: Identify Enterprise-Level Gaps versus Best Practices, Identify Marketing Process Gaps Against Best Practices, Identify Sales Process Gaps against Best Practices, Identify Service Process Gaps, Develop Customer Centered Roadmap) [Column 7, line 48 – Column 8, line 44, Tables 2-5, Figures 8C-8F];

Lassenius et al. is directed towards aligning activities with organizational goals, considering the Customer Perspective of the Balanced Scorecard to align organizational activities to organizational strategies, and developing goals and metrics to implement changes to existing activities and practices. Similarly, Shoemaker et al. is directed towards customer relationship measurement and management, collecting data to ascertain customer satisfaction, and developing action plans for implementation and distribution throughout the organization. Young et al. is directed towards customer relationship management, in which data is collected and evaluated to assess the adequacy of current practices with respect to customer relationship, identifying strategic gaps, and developing plans for implementation and distribution to remedy said identified gaps. Thus, Lassenius et al., Shoemaker et al., and Young et al. are all directed towards improving business practices of an organization with respect to customers. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Lassenius et al. and Shoemaker et al. to

include the step of performing a gap analysis, because doing so allows the organization to identify specific deficiencies in performance, facilitating improvements and plans for improvements, further providing a blueprint or roadmap for becoming customer centered by developing a prioritized list of manageable initiatives to support desired customer loyalty capabilities, a goal of Young et al. [Column 11, lines 38-41].

Further, it was known at the time of the invention that merely providing an automated way to replace a well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). It is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

Although not explicitly taught by the combined teachings of Lassenius et al. and Shoemaker et al., Young et al. also teaches:

(e) measuring said measurable action on two levels wherein a first of said two levels is a measuring of said measurable action against said success metric and a second of said two levels is a measurement of an impact of said measurable action on said data gathered from different perspectives associated with said organization **(the development of a Customer-Centered Strategy combines analyses of the client's business strategy (and supporting data) and customer data to determine an appropriate customer-centered strategy framework and its detailed components.**

This includes elements to address and support: (a) business strategic direction, (b) "Customer Maturity Curve", (c) customer segmentation and targeting, (d) on-going identification of dynamic customer needs, (e) on-going alignment of business delivery capabilities/infrastructure with changing market needs, (f) management of long-running, individual customer relationships, (g), management of profitable, tailored/personalized customer service, and (h) Customer Loyalty Management.... The results of step 204 (identifying data gaps and forming project recommendations) are used to analyze business context and strategy and analyze customer strategy and information. Based on these analyses, a Customer-Centered strategy is developed in step 207. The key activities of this phase to support the Loyalty Suite business method are Analyze Business Strategy and Data, Analyze Customer Strategy and Data, Develop Customer-Centered Strategy) [Column 6, lines 31-67].

As stated above, Lassenius et al., Shoemaker et al., and Young et al. are all directed towards monitoring and improving business practices of an organization with respect to customers. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. and Shoemaker et al. to include the step of measuring action against both a success metric and against different perspectives associated with the organization, because doing so provides a blueprint or roadmap for becoming customer centered by developing a prioritized list of

manageable initiatives to support desired customer loyalty capabilities, as taught by Young et al. [Column 11, lines 38-41].

Claims 7 and 14 recite limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies

Furthermore, the IGP (Interactive Goal Panel) concept discussed by Lassenius et al. is also supported with modern information technology that would greatly enhance its usability. Uses for IT include aiding with the definition of the controllability parameters, helping with data collection, and analyzing as well as visualizing the data. Lassenius et al. have developed a visualization tool based on Java-technology that supports on-line visualization of the IGP and metrics over an intra-or internet. The computer on which the IGP visualization tools operate inherently includes a processor, a memory device, and an addressable data bus coupled to said processor. Thus, Lassenius et al. teaches a computer readable medium having computer readable code embodied thereon (as per claim 7) and a computer system with a processor, data bus and memory device (as per claim 14)

As per claim 2, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) during a commitment session associated with said organization, providing an overview of said total customer experience action planning process to a manager of

said organization and to staff associated with said manager. **(strategic control aspects are presented to the rest of the organization and analyzed in workshops. The objective of the workshops is to harmonize and gain consensus on the goals to strive for and the control mechanisms to use)** [Paragraph 44].

Claims 8 and 15 recite limitations already addressed by the rejection of claim 2 above; therefore, the same rejection applies

As per claim 3, Lassenius et al. does not explicitly teach the method as described in claim 1 wherein said data further comprises data provided by a partner organization that works together with said organization.

It has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the step of collecting data from partner organizations is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of gathering data from partner organizations because the resulting combination would broaden the amount of available data for analysis, and also to assess the compatibility of partner organizations with newly determined goals.

Claims 9 and 16 recite limitations already addressed by the rejection of claim 3 above; therefore, the same rejection applies

As per claim 5, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) repeating said gathering data, said determining a goal for said organization along with an associated success metric for accomplishing said goal, said determining a department action plan for accomplishing said goal, and said taking measurable action to accomplish said goal **(iteration of the implementation process is often needed; the Interactive Goal Panel should be periodically updated)** [Paragraphs 48,50].

Claims 11 and 18 recite limitations already addressed by the rejection of claim 5 above; therefore, the same rejection applies.

7. Claims 6, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassenius et al. in view of Shoemaker et al. and Young et al. as applied to claim 1 above, and further in view of Gary Meyer's discussion of eWorkbench in "eWorkbench: Real-time tracking of synchronized goals", published in the April 2001 issue of HRMagazine (previously supplied; hereinafter referred to as Meyer).

As per claim 6, although not explicitly taught by Lassenius et al., Meyer teaches the method as described in claim 1 wherein said determining a department action plan for accomplishing said goal further comprises:

(c1) verifying said goal and said associated success metric for accomplishing said goal within an up-line manager of said organization (**eWorkbench lets managers and line employees create and track goals, and align them with their employer's broad objectives. The program allows individuals' goals to be linked with those of their bosses, all the way to the top; Managers also can create and automatically cascade goals down to their direct reports**) [Paragraphs 2, 4].

Lassenius et al., Shoemaker et al., and Young et al. are all directed towards monitoring and improving business practices of an organization with respect to customers. Similarly, Meyer are directed towards monitoring success for accomplishing department goals; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of verifying department goals and associated success metrics with up-line management, because the resulting combination would enable to ensure that management and line employees along the hierarchical chain of command within the organization are in alignment with respect to objectives, goals, and means of measuring the successfulness of said goals and objectives.

Claims 12 and 19 recite limitations already addressed by the rejection of claim 6 above; therefore, the same rejection applies

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jordan et al. (US Patent #6,968,312) teaches performing gap analysis to measure the impact to existing organizational structure, the impact to processes, and other requirements for measurement program success.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHOI whose telephone number is (571)272-6971. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 15, 2008

/P. C./
Examiner, Art Unit 3623

/Romain Jeanty/
Primary Examiner, Art Unit 3623